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769245

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LLC F/K/A GREEN TREE SERVICING LLC

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

DOUGLAS WALTERS

Order Filed on October 31, 2016 by Clerk U.S. Bankruptcy Court District of New Jersey

Case No: 15-30707 - KCF

Hearing Date: 08/24/2016

Judge: Kathryn C. Ferguson

CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION

The consent order set forth on the following pages, numbered two (2) through two (2) is hereby **ORDERED**.

DATED: October 31, 2016

Honorable Kathryn C. Ferguson United States Bankruptcy Judge NJID 769245 PHELAN HALLINAN DIAMOND & JONES, PC

400 Fellowship Road, Suite 100 Mt. Laurel, NJ 08054 856-813-5500

Attorneys for DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

IN RE:

DOUGLAS WALTERS CASE NO. 15-30707 - KCF

CHAPTER 13

Debtor

CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION

HEARING DATE: 08/24/2016

This Consent Order pertains to the property located at 810 Dayton Street, Trenton, NJ 08610-6218, mortgage account ending with "5801";

THIS MATTER having been brought before the Court by Robert C. Nisenson, Esquire attorney for debtor, Douglas Walters, upon the filing of a Chapter 13 Plan, DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC (hereinafter "Ditech") by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 13 Plan and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for other and good cause shown:

IT IS on the day of , 2016, ORDERED as follows:

- 1. This stipulation will provide that the value of the real property commonly known as **810 Dayton Street, Trenton, NJ 08610-6218**, is hereby reduced to \$35,000.00;
- 2. The debtor agrees to pay off the entire amount of \$35,000.00 during the pendency of the within bankruptcy case at 5% interest rate;
- 3. The debtor further agrees to cure the escrow disbursement(s) in the amount of \$5,085.33 for a total amount of \$45,387.60;
- 4. The debtor further agrees to make direct payments towards taxes and insurance, associated with the subject property;
- 5. The parties agree that the crammed down portion of Ditech's claim in the amount of \$65,336.81, shall be treated as an unsecured claim and paid with the unsecured creditors

- 6. Should the within case be dismissed for any reason prior to the successful Ch13 Discharge, Ditech's secured claim shall be immediately reinstated to reflect total debt on the subject property in the amount of \$100,336.81;
- 7. The parties agree that if the property is sold at anytime during the pendency of this bankruptcy case that any excess income received above the agreed \$45,387.60 shall be paid to Dietch.
- 8. This Consent Order shall be incorporated in and become a part of any Order Confirming Plan in the herein matter.
- 9. <u>Entire Agreement</u>. This Consent Order contains or expressly incorporates by reference the entire agreement of the parties and supersedes all prior negotiations. This Agreement shall not be modified or amended except by a written instrument executed by all parties.

The undersigned hereby consent to the form, Content and entry of the within Order:

PHELAN HALLINAN DIAMOND & JONES, PC

Attorneys for Secured Creditor:

DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC

/s/ Andrew Spivack
Andrew Spivack, Esq.
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	Dated: _	10/27/2016	
/s/ Robert C. Nisenson		10/27/2016	
Robert C. Nisenson, Esquire Attorney for debtor			